

MELINDA HAAG (CABN 132612)
United States Attorney

MIRANDA KANE (CABN 150630)
Chief, Criminal Division

NATALIE LEE (CABN 277362)
Assistant United States Attorney

450 Golden Gate Avenue
Eleventh Floor
San Francisco, CA 94102
Telephone: (415) 436-7301
Fax: (415) 436-6753
E-Mail: natalie.lee2@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-12-00241 SBA
)	
Plaintiff,)	STIPULATION AND PROTECTIVE
)	ORDER RE: RECORDING
v.)	
)	
CHRISTOPHER MCMILLON,)	OAKLAND VENUE
)	
Defendant.)	
)	
)	

With the agreement of the parties, and with the consent of defendant, the Court enters the following Order:

Defendant is charged with Felon in Possession of a Firearm and Ammunition, in violation of Title 18, United States Code, Section 922(g)(1). Pursuant to defendant's request, the United States will produce copies of the audio and video recording of the alleged incident at issue (hereinafter "RECORDING") to defense counsel, in lieu of making it available for review only, pursuant to the following restrictions:

1. Except when being actively examined for the purpose of the preparation of the

1 defense of defendant, the RECORDING shall be maintained in a locked, safe, and secure drawer,
2 cabinet, or safe or password-protected electronic device (e.g., computer, memory stick), which is
3 accessible only to defense counsel, members of his or her law firm who are working with him or
4 her to prepare defendant's defense, and his or her investigator(s). Defense counsel, members of
5 his or her law firm, defendant, and the investigator(s) shall not permit any person access of any
6 kind to the RECORDING except as set forth below.

7 2. The following individuals may examine the RECORDING for the sole purpose of
8 preparing the defense of defendant and for no other purpose:

- 9 a) Counsel for defendant;
- 10 b) Members of defense counsel's law office who are assisting with the
11 preparation of defendant's defense;
- 12 c) Defendant, but only in the presence of defense counsel or another
13 authorized person listed in this paragraph, (defendant may not take or
14 maintain the RECORDING or copies thereof);
- 15 d) Investigators retained by defendant to assist in the defense of this matter.

16 If defense counsel determines that additional persons are needed to review the RECORDING, he
17 or she must obtain a further order of the Court before allowing any other individual to review the
18 materials.

19 3. A copy of this Order shall be maintained with the RECORDING at all times.

20 4. All individuals, other than defense counsel and defendant, who receive access to
21 the RECORDING, prior to receiving access to the materials, shall sign a copy of this Order
22 acknowledging that:

- 23 a) they have reviewed the Order;
- 24 b) they understand its contents;
- 25 c) they agree that they will only access the RECORDING and information
26 for the purposes of preparing a defense for defendant;
- 27 d) they understand that failure to abide by this Order may result in sanctions
28 by this Court.

1 Counsel for defendant shall either (1) send signed copies of the Order to counsel for the United
2 States or (2) file signed copies of the Order, *ex parte* and under seal. The United States shall
3 have no access to the signed copies filed under seal without further order of the Court.

4 5. No other person may be allowed to examine the RECORDING without further
5 order of the Court. Examination of the RECORDING shall be done in a secure environment
6 which will not expose the materials to other individuals not listed above.

7 6. The RECORDING may be duplicated to the extent necessary to prepare the
8 defense of this matter. Any duplicates will be treated as originals in accordance with this Order.

9 7. If the RECORDING is attached to any pleadings, the RECORDING shall be filed
10 or lodged under seal.

11 8. The defense team shall return the RECORDING (and any duplicate copies of the
12 same) to the United States fourteen calendar days after any one of the following events,
13 whichever occurs latest in time: dismissal of all charges against defendant; defendant's acquittal
14 by court or jury; or the conclusion of any direct appeal.

15 9. After the conclusion of proceedings in the district court or any direct appeal in the
16 above-captioned case, the United States will maintain a copy of the RECORDING. The United
17 States will maintain the RECORDING until the time period for filing a motion pursuant to 28
18 U.S.C. § 2255 has expired. After the statutory time period for filing such a motion has expired,
19 the United States may destroy the RECORDING. In the event defendant is represented by
20 counsel and files a motion pursuant to 28 U.S.C. § 2255, the United States will provide that
21 counsel with a copy of the RECORDING under the same restrictions as trial and direct appeal
22 defense counsel. Defendant's attorney in any action under 28 U.S.C. § 2255 shall return the
23 same materials fourteen calendar days after the district court's ruling on the motion or fourteen
24 calendar days after the conclusion of any direct appeal of the district court's denial of the
25 motion, whichever is later.

26
27 STIPULATED:

1 DATED: April ___, 2012

2 _____
SARA RIEF
Attorney for Defendant Christopher McMillon

3 DATED: April ___, 2012

4 MELINDA HAAG
5 United States Attorney

6
7
8 _____
NATALIE LEE
9 Assistant United States Attorney

10 IT IS SO ORDERED that disclosure of the above-described materials shall be restricted
11 as set forth above.

12
13 DATED: April 23, 2012

14 
HONORABLE SAUNDRA BROWN ARMSTRONG
15 United States District Judge